

Case No.: INJEC-016C



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Thomas C. Kuracina, et al.

Serial No.: 09/057,335

Filed: April 8, 1998

For: NEEDLE TIP GUARD FOR  
HYPODERMIC NEEDLES

Examiner: John D. Yasko

Group No.: 3736

TECHNOLOGY CENTER 3700

AUG 29 2000

RECEIVED

DECLARATION OF THOMAS C. KURACINA IN SUPPORT OF PETITION TO MAKE  
SPECIAL BASED UPON PROSPECTIVE MANUFACTURE

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON D.C. 20231

Dear Sir/Madam:

I, Thomas C. Kuracina, hereby declare the following:

1. I am Vice President in charge of Research and Development for Injectimed, Inc., assignee of the above-identified patent application. I am further a named co-inventor and am familiar with the contents of the subject patent application.

2. Very recently, Injectimed, Inc. has entered into a preliminary license agreement with a major medical device manufacturer to manufacture and distribute the needle tip guards that are the subject of the present application. In this regard, such manufacturer is a recognized leader in the manufacturing of such medical devices, and has substantial manufacturing facilities in the United States that are equipped to manufacture devices such as those that are the subject of the present application.

3. The present license agreement Injectimed, Inc., has entered into with such manufacturer is for a limited duration, and such manufacturer does not intend to increase its present manufacture of the medical devices that are the subject of the present application unless certain that a patent therefor will be granted.

4. The license agreement with such manufacturer, however, places an obligation on the manufacturer to manufacture the invention in the United States in quantity upon the allowance of the claims or issuance of a patent which will protect the medical device at issue. In this respect, it is contemplated that if a patent for the medical devices that are the subject of the present application is granted that uncertainties will be dispelled with respect to the proprietary rights Injectimed, Inc. has in and to such medical devices and, hence, will protect the investment of capital and facilities being committed by such manufacturer in the manufacturing of the devices that are the subject of the present application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

INJECTIMED, INC.

Dated: August 14, 2000

By: Thomas C. Kuracina  
Thomas C. Kuracina  
Vice President